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SUBJECT: IRAQ ELECTION LAW UPDATE, OCTOBER 29, 2009

Classified By: Political Minister-Counselor Gary A. Grappo for reasons
1.4(b) and (d).

11. (C) SUMMARY. Hopes of a vote on an election law in the Council of Representatives melted away over the course of the day October 29 as party bloc leaders continued to haggle over terms for voting rules in Kirkuk. The Ambassador and poloffs engaged key leaders and a wide spectrum of influential MPs in an effort to build support for the UN's draft proposal. Initial responses from Speaker Samarra'i, Deputy Speaker Attiya and KRG President Barzani were positive, but efforts to persuade Arab and Turkomen lawmakers stalled as news spread of Barzani's allegedly hardline comments regarding Kirkuk the previous day. UNAMI SRSG Ad Melkert advised a "pause for a day" in joint U.S.-UNAMI engagements to see if the various players can reach some consensus themselves. The COR is expected to reconvene Sunday, after a day of committee work Saturday. Post intends to work with all parties toward a consensus proposal, at which time we would recommend high-level Washington intervention with key leaders to secure passage of a law. END SUMMARY.

UNAMI Proposes Kirkuk Compromise

12. (C) The United Nations Assistance Mission for Iraq (UNAMI) advocated its Kirkuk proposal with members of the COR October 29, and the Ambassador, POL M/C and poloffs lent strong support to the plan in subsequent engagements. Under the UNAMI plan, "The January 2010 parliamentary elections shall be conducted based on the 2009 Voter List. The voter list for these elections for the Kirkuk Governorate will not be used for future electoral events in this governorate. A special committee will be established by the COR to work with UNAMI and IHEC to develop the criteria for a voter registry and future electoral processes in Kirkuk. The work of this Committee shall be completed in time for a subsequent election, based on the criteria recommended, to be held in Kirkuk Governorate on 16 January 2011. The term of office for COR members elected on 16 January 2010 representing Kirkuk will therefore be one year." The approach had been discussed extensively by Embassy and UNAMI staff, including the Ambassador and SRSG, at it was agreed to present the plan to key parliamentary leaders separately.

Samarra'i Supports UNAMI Text

13. (C) COR Speaker Ayad al-Samarra'i told the Ambassador October 28 that he supported the UNAMI plan (septel). Samarra'i asked whether some language could be included in the part of the proposal that mentioned reviewing the voter list in the upcoming year that would include references to "available documents and records" such as the 1957 census, birth records, and "based on the present internal borders." Mention of those elements could make the proposal more palatable to the Arabs and Turkomen, according to Samarra'i. (Note: UNAMI told poloff that the 1957 census records, if they could be found, are likely in no shape to be useful.

End Note.)

14. (C) Early October 29, Dr. Salim al-Jabouri, Deputy Chair of the COR's Legal Committee, told poloff that the committee was working to render the new UN election law proposal into a draft law for a possible vote in the COR. Jabouri reported that the Legal Committee had already prepared a draft law, based on Vice President Abd al-Mahdi's proposal, for a possible vote on October 29. However, by midday, Speaker al-Samarra'i announced that the Council of Representatives (COR) was not yet ready to vote on an election law. Poloff Q(COR) was not yet ready to vote on an election law. Poloff observed that he made no statement about when a vote would be possible.

Kurdish Wobbling, Arab-Turkoman Ire

15. (C) Kurdish MP Khaled Schwani, a Kirkuki and member of the PUK, told poloff October 29 that the Kurdish delegation was reviewing the new UN proposal, but took issue with the fact that there was specific reference to Kirkuk in it. Schwani reported that the Kurds were working to develop alternative language that would avoid specific reference to Kirkuk. Meanwhile, on October 29 KRG President Barzani made a public statement about Kirkuk's inclusion in the election law. AP and McClatchy reported that Barzani had called for "annexation" of Kirkuk into the KRG. Eyewitness reports and Iraqi press reports state that Barzani did rail against accusations that the Kurds were perpetrating voter fraud in Kirkuk and demanded that "Kirkuk must be included" in the upcoming elections "or come what may." KRG Deputy House Speaker Chief of Staff Sarchal Gala Lawrani later reported to

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poloff that Barzani "opposed giving any special status to Kirkuk and if elections are going to happen in Iraq, then all provinces must be included. No exceptions." Barzani's comments were not new, but their timing has ensured maximum ire from the Arab and Turkomen contingent, an increasing number of whom over the day expressed reluctance to support the UNAMI proposal. Indeed, a Sunni Arab MP told POL M/C that Barzani would be to blame now for holding up the election law, arguing his comments amounted to a threat against Arab and Turkomen in Kirkuk.

16. (C) To blunt Barzani's comments and reassure the Arabs and Turkomen, the Ambassador and MNF-I CG GEN Odierno immediately issued a joint statement October 29 reiterating our view that the terms of the January 2010 election would be applicable only to that election and that it "should not serve as a precedent for future elections or for future political settlements related to Article 140, demographic change, disputed boundaries, or other contested issues." The statement again called on Iraqi leaders to act with haste to adopt a law in order to allow a vote on January 16, 2010.

Arabs Develop Alternatives

17. (C) Deputy COR Speaker Attiya told POL M/C that the COR Legal Committee had developed an addendum to the UN's proposal. He said that the Legal Committee agreed with most of the UNAMI plan, except that the review committee would determine whether an "acceptable" level of population growth occurred in Kirkuk. Attiya explained that, if the review committee determined that the population growth for Kirkuk between 2004 and 2009 had fallen within acceptable limits, then MPs elected from Kirkuk in January 2010 would be allowed to serve out their full, four-year terms. UNAMI agreed to review this proposal for feasibility. When POL M/C asked Attiya whether the national Sunni Arab political leaders and other Sunni MPs would support this position on the election law, Attiya responded that "they were likely to."

18. (C) Kirkuki Turkomen MPs Muhammad al-Bayati (ISCI), Friad

Omar Abdullah (ISCI), and Walid Shakir (Turkomen Brotherhood Party) met with the Ambassador on October 29. Omar said the Turkomen wanted an open list election in January based on a consensus election law, but added that a good voter registration was essential for a credible election. He said rather than using the flawed 2009 lists, Iraq should update the 2003 or 2004 lists. When the Ambassador asked what Omar recommended the COR do, Omar replied that all the competing proposals should go to the full COR for a vote. Bayati agreed, saying "if the Kurdish election law proposal wins a majority in the COR, we will congratulate them." Bayati said because all 14-plus election law proposals had failed thus far, an up-or-down vote in the full COR was the only way to go. Bayati added that his personal solution is to delay the election in Kirkuk. Shakir, who called himself a Turkomen allied with the Kurds, said Kirkuk should be treated like all other provinces, disagreed with singling out Kirkuk for special treatment, and said the province's problems can be solved through Article 140. "Kirkuk's population has increased since 2004, but so has Anbar, Najaf and Ninewa," he said. The Ambassador strongly underscored the importance of the COR passing an election law.

UNAMI Advises a "Pause"

19. (C) In a late afternoon meeting, SRSB Melkert reported to POL M/C that he had not yet seen signs of consensus among QPOL M/C that he had not yet seen signs of consensus among Kurds, Arabs and Turkomen during his meetings on October 29. Melkert advised POL M/C that a "pause for a day" might be appropriate after some of the engagements in the past few days. Melkert told POL M/C that he feared UNAMI was now very "high profile" and that parties needed time to review their positions.
HILL